

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23641 of 2004

Between:

- 1 G.Mastan Reddy, S/o.Sri Venugopal Reddy,
R/o.Molakalapudi (V), Chittamuru Mandal, Nellore District.
- 2 D.Vasa Reddy, S/o.Sri Rami Reddy,
R/o.Chinna Katavapally(V), Gudur Tq. Nellore District.
- 3 Basetty Narayana Setty, S/o.Subbaiah Setty,
R/o.Gunapatipalem (V), Gunapadu post,
Chittamuru (M), Nellore District.
- 4 Pasala Kasturaiah, S/o.Aoyaraiah,
R/o.Ekasiri Post, Chittamuru Mandal, Nellore District.
- 5 S.Subbulaiah, S/o.Late Venkata Subbaiah,
R/o.Patimitta Village, Sullurpet (Tq), Nellore District.
- 6 Eduru Bujamma, D/o.Late Polaiah,
R/o.Tanmamala Village, Sullurpet (Tq), Nellore District.

..... PETITIONERS

AND

- 1 The Commissioner of Endowments, Tilak Road, Hyderabad.
- 2 The Assistant Commissioner of Endowments, Nellore.
- 3 Sri Nageswara Swamy Temple, Ekasiri, Chittamuru Revenue (M), Nellore District rep.by its Founder Trustee, Sri Duvvuri Srinivasulu Reddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order direction more particularly one in the nature of writ of Mandamus declaring inaction of the 2nd respondent in not passing any orders on the representation of the petitioners dt.20-10-2004 and further threatening to terminate the petitioner's leases by evicting them and further proposing to auction the lands leased out to the petitioners herein is highly illegal, arbitrary and violative of principles of Natural Justice and consequently direct the 2nd respondent herein to forthwith pass orders on the representation of the

petitioners.

Counsel for the Petitioner:MR.V.RAJAGOPAL REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

Petitioners are lessees of various extents of agricultural lands belonging to Nageswara Swamy temple, Ekasiri village, Chituru mandal, Nellore district. Their grievance is that the second respondent is proposing to conduct auction of the leasehold rights of the lands. The petitioners claim to have made representations for renewal of the leases even by enhancement of the existing rent. They seek appropriate directions in this regard.

Heard learned counsel for the petitioners, learned Government Pleader for Endowments and learned standing counsel for the third respondent.

Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') mandates that the leases in respect of the agricultural lands belonging to any institution or endowment, subsisting as on the date of commencement of the Act, stand cancelled. The provision could not be given effect to on account of the fact that it was set aside by a Division Bench of this Court. However, recently, the Supreme Court upheld the provision and the Section was suitably amended. The Government had also framed Rules to give effect the amended provision. Except where the lessees are landless poor, leasehold rights in respect of such lands are required to be awarded by conducting public auction and in no other manner. The petitioners do not fit into the description of landless poor, as defined under explanation to Section 82 of the Act. Once the Act mandates that leasehold rights shall be granted only by conducting auction, even assuming that the petitioners have submitted representations for extending their leases, no action can be taken thereon. Hence, this Court is not inclined to grant the relief sought for by the petitioners. However, it is directed that in case the petitioners emerge as the highest bidders in the auction or if they are prepared to pay the amount offered by the highest bidder, the respondents shall grant fresh leases in favour of the petitioners.

The writ petition is dismissed. No order as to costs.

20.12.2004

ksld

To

- 1 The Commissioner of Endowments, Tilak Road, Hyderabad.
- 2 The Assistant Commissioner of Endowments, Nellore.
- 3 Sri Nageswara Swamy Temple, Ekasiri, Chittamuru Revenue (M), Nellore District rep.by its Founder Trustee, Sri Duvvuri Srinivasulu Reddy.
- 4 Two CCs to the Government Pleader for Endowments, A.P.High Court Buildings, Hyderabad (OUT).
- 5 Two CD copies.